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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,120	10/02/2003	Cheryl E. Perkins	22841.00	6029

37833 7590 10/18/2006
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EXAMINER

CRABTREE, JOSHUA DAVID

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,120

Applicant(s)

PERKINS ET AL.

Examiner

Joshua D. Crabtree

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/2/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "as desired" in claim 12 is a relative term which renders the claim indefinite. The term "as desired" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 8, 9, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. (US 6,663,456) in view of Mayer (US 2,852,885), and further in view of Ouellette et al. (US 5,816,821), and further in view of Wallace

(Teaching Multiculturalism: Focus on People, Reading Online, July 1998,

<http://www.readingonline.org/articles/multi/article.html>).

With regard to claims 1 and 10, and the limitations of a finger puppet glove, with a plurality of finger puppets being removably attached to the finger puppet glove, Gemma, Jr. discloses a glove containing removable finger puppets (Col. 2: 55-60). Gemma, Jr. discloses that the puppets may be used along with a story presentation (Col. 1: 49-54), both of which are included in the kit (Col. 1: 61-64). With regard to claim 10, and the limitation of donning the glove, Gemma, Jr. discloses that the puppets may be on a glove, to be worn by hand of a manipulator (Col. 2: 55-63). With regard to presenting a video presentation, Gemma, Jr. discloses that the story presentation media may be videotape, DVD, book, audiotape, CD, or CDROM (Col. 4: 11-16).

With regard to claims 1 and 10, Gemma, Jr. does not disclose the feature wherein the puppets are configured to represent a family of a second culture. Mayer teaches a finger puppet glove, with the puppets designed to represent a family, wearing Tyrolean costumes (Figs. 1, 2; Col. 2: 2-30). The glove puppets can represent various nationalities, and story characters (Col. 1: 31-34).

With regard to claim 1, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the costumed puppets of Mayer into the kit of Gemma, Jr., in order to provide an educational kit in which the puppets are costumed in cultural garments. Such a kit could then be used for educating children about the clothing worn by different cultures.

With regard to claim 10, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Mayer into the invention of Gemma, Jr., in order to provide an educational system, using puppets, to teach children about families of other cultures.

With regard to claims 1 and 10, Gemma, Jr., as modified by Mayer, does not disclose the feature of a costumed doll configured to represent a child of the second culture. Ouellette et al. teach the use of costumed dolls for educational purposes (Col. 1: 63 – Col. 2: 15). The dolls wear various costumes representative of cultural attire (Figs. 1A-C). With regard to claim 10, and the limitation of displaying the costumed doll, thereby representing the second culture being taught, Ouellette et al. teach that the dolls can be presented in order to teach the children to identify costumes specific to various nations (Col. 2: 12-13).

With regard to claim 1, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the child doll, wearing cultural garments, of Ouellette et al. into the kit of Gemma, Jr., as modified by Mayer, in order to provide a cultural educational kit which includes puppets as well as a doll clothed in cultural garments.

With regard to claim 10, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ouellette et al. into the invention of Gemma, Jr., as modified by Mayer, in order to supplement a theatrical puppet production with a doll wearing culturally representative clothing. This way, in

addition to viewing the puppets, the child or children can also hold a doll up and inspect it more closely.

With regard to claims 1 and 10, Gemma, Jr. discloses including a story media, which may be in the form of a video, with the puppets (Col. 1: 61-64; Col. 4: 11-13). Gemma, Jr., as modified by Mayer and Ouellette et al., does not disclose that the video presentation is that of a typical period in a life of a child of the second culture. Wallace teaches the use of a video, which shows a day in the life of a Japanese elementary school student, within the context of a multicultural teaching system (p. 5, "*Classroom Visit*" section).

With regard to claim 1, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the video recording of Wallace into the kit of Gemma, as modified by Mayer and Ouellette et al., in order to provide a multicultural puppet theater kit, in which the video media contains cultural matter related to the costumes of the puppets and doll.

With regard to claim 10, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wallace into the invention of Gemma, as modified by Mayer and Ouellette et al., in order to provide a multicultural puppet theater performance supplemented by a video showcasing further cultural information related to the lesson.

With regard to claim 10, and the limitation of manipulating the finger puppets in accordance with the story of the video presentation, Gemma, Jr. discloses manipulating

the finger puppets to act out scenes from a story media (Col. 1: 49-54). The story media may be a video tape or DVD (Col. 4: 11-13).

With regard to claim 3, Gemma, Jr. discloses including a book for use with the puppets (Col. 1: 49-54). Gemma, Jr., as modified by Mayer and Ouellette et al., do not disclose the limitation of further including at least one activity book relating to the second culture and containing a plurality of reproducible sheets, Wallace teaches a multicultural educational scenario in which students may use an activity book with arts and crafts ideas (p. 5, "Art" section). Wallace also teaches the use of a book with recipes (p. 6, "Ethnic Foods" section).

With regard to claim 1, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the activity book of Wallace into the kit of Gemma, Jr., as modified by Mayer and Ouellette, in order to provide a cultural educational kit including an activity book. Such a book would allow children to perform activities related to the puppet theater production.

With regard to claim 10, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wallace into the invention of Gemma, Jr., as modified by Mayer and Ouellette, in order to enhance the puppet performance with activities to be performed by the children. This would give the children hands-on exposure to multicultural concepts.

With regard to claims 8 and 15, Gemma, Jr., as modified by Mayer, does not disclose further including a plurality of additional culture components of a third

culture. Ouellette et al. teach an education system in which at least three different cultures are represented by doll (Figs. 1A-C).

With regard to claim 8, It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ouellette et al. into the kit of Gemma, Jr., as modified by Mayer, in order to provide a cultural education kit wherein more than one culture is represented. This would enable the user of the kit to be exposed to a plurality of cultures.

With regard to claim 15, It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ouellette et al. into the invention of Gemma, Jr., as modified by Mayer, in order to supplement a theatrical puppet production wherein more than one culture is represented. This would expose the children to a plurality of cultures. The teacher could compare and contrast between the cultures being taught.

With regard to claims 9 and 16, Gemma, Jr. discloses a storage container (Col. 3: 34-60; Item 15 in Fig. 1).

3. **Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Mayer, Ouellette et al., and Wallace, as applied above, and further in view of Mendoza et al. (*Examining Multicultural Picture Books for the Early Childhood Classroom: Possibilities and Pitfalls*, Early Childhood Research & Practice, Vol. 3, 2001).**

With regard to claims 2 and 11, Gemma, Jr. discloses including a book or audio cassette with the invention, as previously described. With regard to claim 11, and the limitation of selecting one of the picture books and playing a corresponding audio presentation, and displaying pictures in the selected picture book in accordance with information on the audio tape as it is played, Gemma, Jr. discloses that the story media presented may be a combination of a book and an audio format (Col. 4: 11-16).

Gemma, Jr., as modified by Mayer, does not disclose using a plurality of picture books, with corresponding audio presentations. Ouellette et al. teach an educational system in which a plurality of culturally representative dolls are used. Each doll includes audio transmitting device, pre-recorded music, and written material (Col. 2: 58-65).

With regard to claim 2, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the picture books of Ouellette et al. into the kit of Gemma, Jr., as modified by Mayer, in order to provide a cultural education kit including a plurality of audio and visual media. This way, the user could have a doll, with representative clothing as well as audio and visual information relating to the culture of the doll.

With regard to claim 11, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ouellette et al. into the invention of Gemma, Jr., as modified by Mayer, in order to provide a plurality of audio and visual presentations to the students. This way, each student could have a doll, with

representative clothing as well as audio and visual information. This would give the children a hands-on, multisensory experience.

Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, do not disclose using picture books. Mendoza et al. teach a multicultural educational system using picture books (See page 2). Mendoza et al. teach that picture books are the preferred method of sharing with young children, and that a multicultural picture book will foster impressions of the people being portrayed, and that such books are likely to have a didactic outcome will children (page 5, paragraphs 2 and 3).

With regard to claim 2, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the picture book of Mendoza et al. into the kit of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, in order to provide a cultural education kit suitable for use with young children who are unable to read.

With regard to claim 11, It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Mendoza et al. into the invention of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, in order to provide the aforementioned advantages.

4. Claims 4, 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Mayer, Ouellette et al., and Wallace, as applied above, and further in view of Pokempner et al. (US 2004/0198144), and further in view of Curtin (US 2002/0142271).

With regard to claim 4, Wallace teaches the use of a book with craft ideas, as described above. Wallace also teaches the use of a book with recipes, as described above. Gemma, Jr., as modified by Mayer, Ouellette et al. and Wallace, do not disclose the limitation wherein the reproducible sheets of the activity book further include puzzles, coloring pages, and games. Pokempner et al. teach an activity kit, including an activity book which may contain coloring pages, games, or puzzles (Paragraph [0010]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the book of Pokempner into the kit system of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, in order to enhance the activity book with coloring pages, puzzles, and games. Although the invention of Pokempner does not show the use of coloring pages, puzzles, or games within a multicultural educational application, Pokempner teaches that such features are common in an activity kit for children. Given this teaching it is clear that the use of coloring pages, puzzles, and games, for inclusion in a children's activity kit, was well-known at the time of applicant's invention. Given this, one of ordinary skill in the art seeking to provide a user of a multicultural educational kit system, such as the one of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, the advantage of an activity kit with coloring pages, puzzles, and games, would have been motivated to seek the outside source as a solution to the problem.

With regard to claim 7, Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, do not disclose the inclusion of flash cards with symbols thereon representing a corresponding aspect of the second culture. Pokempner teaches an activity kit, which

may include flash cards (Paragraph [0004]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the flash cards of Pokempner into the kit system of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, in order to enhance the presentation with flash cards. Although the invention of Pokempner does not show the use of flash cards within a multicultural educational application, Pokempner teaches that such features are common in an activity kit for children. Given this teaching it is clear that the use of flash cards, for inclusion in a children's activity kit, was well-known at the time of applicant's invention. Given this, one of ordinary skill in the art seeking to provide a user of a multicultural educational kit system, such as the one of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, the advantage of an activity kit with flash cards, would have been motivated to seek the outside source as a solution to the problem.

Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, and Pokempner, do not disclose using flash cards with symbols representing aspects of the culture being studied. Curtin teaches a flash card system, in which flash cards contain images related to the subject of study (Paragraph [0004], [0026]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Curtin into the invention of Gemma, Jr., as modified by Mayer, Ouellette, Wallace, and Curtin, in order to enhance the presentation with flash cards bearing pictures related to the subject of study. Although the invention of Curtin does not show the use of picture-bearing flash cards within a multicultural educational application, Curtin teaches that

such a feature is common in a flash card system. Given this teaching it is clear that the use of pictures related to the subject of study for flash cards was well-known at the time of applicant's invention. Given this, one of ordinary skill in the art seeking to provide a user of a multicultural educational system, such as the one of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, the advantage of a flash cards with pictures related to the subject of study, would have been motivated to seek the outside source as a solution to the problem.

5. Claim 5, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Mayer, Ouellette et al., and Wallace, as applied above, and further in view of Shtipelman et al. (US 4,673,197).

With regard to claim 5, Gemma, Jr., as modified by Mayer and Ouellette, do not disclose including a map relating to a region of the second culture. Wallace teaches using a world map, so that the students can locate the country of interest (p. 4, "Geography" section). With regard to claim 13, Gemma, Jr., as modified by Mayer and Ouellette, do not disclose the limitation of indicating to the children the various features on the map relating to the second culture. Wallace teaches labeling a map so that students can identify countries easily, having a volunteer indicate a country, and discussing the country with relation to the student's country (p. 4, "Geography" section).

With regard to claim 5, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the map of Wallace into the kit of Gemma, Jr., as modified by Mayer and Ouellette, in order to provide a multicultural educational kit

which includes a map. This way the users of the kit can see where the culture being studied is located, relative to their own country.

With regard to claim 13, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wallace into the invention of Gemma, Jr., as modified by Mayer and Ouellette, in order to provide a multicultural educational system which includes a map. This way the children can see where the culture being studied is located, relative to their own country.

Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, do not disclose a regional map including an erasable surface. Shtipelman teaches a regional map, with an erasable surface (Col. 1: 5-12). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Shtipelman into the invention of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, in order to provide a multicultural educational kit system with a map, wherein the map is of a particular region, with an erasable surface. This way the teacher could make temporary notes on the map for teaching purposes. With an erasable surface, the teacher could write multiple notes for the students. Although the invention of Shtipelman does not show the use of a regional map with an erasable surface within a multicultural educational application, Shtipelman teaches that such features are common in a map. Given this teaching it is clear that the use of regional mapping, with an erasable surface, for inclusion in a map for a multicultural educational system, was well-known at the time

of applicant's invention. Given this, one of ordinary skill in the art seeking to provide a user of a multicultural educational kit system, such as the one of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, the advantage of a map dedicated to a specific region, and including an erasable surface, would have been motivated to seek the outside source as a solution to the problem.

6. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Mayer, Ouellette et al., and Wallace, as applied above, and further in view of Pincus (Manners Matter: Activities To Teach Young People Social Skills, 1992).**

With regard to claim 12, Gemma, Jr. discloses including a book for use with the puppets (Col. 1: 49-54). Gemma, Jr., as modified by Mayer and Ouellette et al., do not disclose the limitations of further including at least one activity book relating to the second culture and containing a plurality of reproducible sheets, each of the sheets having a different activity thereon, reproducing at least one of the activity sheets, as desired, distributing the activity sheet to the children, and assigning the children to perform the activity of the reproduced and distributed activity sheet.

Wallace teaches a multicultural educational scenario in which students may use an activity book with arts and crafts ideas. Wallace teaches instructing the children to perform a craft activity (p. 5, "Art" section). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wallace into the invention of Gemma, Jr., as modified by Mayer and Ouellette, in order to

enhance the puppet performance with activities to be performed by the children. This would give the children hands-on exposure to multicultural concepts.

Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, do not disclose making copies of an activity sheet for distribution to the students. Pincus teaches an activity book (p. 1), wherein the pages contain activities which may be reproduced by a teacher for disseminating to students (p. 3). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Pincus into the invention of Gemma, Jr., as modified by Mayer, Ouellette, and Wallace, in order to provide a multicultural education system in which pages from an activity book are reproduced and distributed to the students. This would be more cost effective than purchasing a separate activity book for each student.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cheever (US Des. 349,728) discloses a finger puppet system, in which the puppets are on a glove.

Cubeta et al. (US 6,951,464) teaches a reading learning tool with finger puppets.

Haeni (US 2005/0014124) teaches a method and device of teaching using puppets.

Avital (US 6,506,093) teaches a puppet theater and book combination, and case for carrying same.

Wilson et al. (US 4,560,359) teaches a puppet theater activity kit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Joshua D. Crabtree
September 27, 2006

Kathleen Mosser
KATHLEEN MOSSER
PRIMARY EXAMINER